

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	<b>:</b>	<b>CRIMINAL NO. _____</b>
<b>v.</b>	<b>:</b>	<b>DATE FILED: _____</b>
<b>BENJAMIN CASTRO,</b>	<b>:</b>	<b>VIOLATIONS:</b>
<b>a/k/a "Daniel Rivera,"</b>	<b>:</b>	<b>21 U.S.C. § 846 (conspiracy to possess</b>
<b>a/k/a "Raul,"</b>	<b>:</b>	<b>with intent to distribute cocaine and</b>
<b>a/k/a "Julio Cesar Rivera,"</b>	<b>:</b>	<b>heroin - 1 count)</b>
<b>a/k/a "Acevedo,"</b>	<b>:</b>	<b>21 U.S.C. § 841(a)(1) (distribution of</b>
<b>JESUS REYES CARDENAS-HERRERA</b>	<b>:</b>	<b>heroin - 2 counts)</b>
	<b>:</b>	<b>21 U.S.C. § 841(a)(1) (possession with</b>
	<b>:</b>	<b>intent distribute controlled substances</b>
	<b>:</b>	<b>- 2 counts)</b>
	<b>:</b>	<b>18 U.S.C. § 924(c)(1) (possession of a</b>
	<b>:</b>	<b>firearm in furtherance of a drug</b>
	<b>:</b>	<b>trafficking crime - 1 count)</b>
	<b>:</b>	<b>18 U.S.C. § 922(g)(5) (possession of a</b>
	<b>:</b>	<b>firearm by an illegal alien - 1 count)</b>
	<b>:</b>	<b>18 U.S.C. § 2 (aiding and abetting)</b>
		<b>Notice of forfeiture</b>

**INDICTMENT**

**COUNT ONE**

**THE GRAND JURY CHARGES THAT:**

1.       Beginning on or about in February 2007 and to on or about March 10, 2007, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendants

**BENJAMIN CASTRO,**  
    **a/k/a "Daniel Rivera,"**  
    **a/k/a "Raul,"**  
    **a/k/a "Julio Cesar Rivera,"**  
    **a/k/a "Acevedo," and**  
**JESUS REYES CARDENAS-HERRERA**

conspired and agreed, together and with others known and unknown to the grand jury, to knowingly and intentionally distribute 500 grams or more of a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance, and 1 kilogram or more of a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

### **MANNER AND MEANS**

It was a part of the conspiracy that:

2. Defendants BENJAMIN CASTRO and JESUS REYES CARDENAS-HERRERA and others known and unknown to the grand jury, were members of a narcotics distribution enterprise that trafficked in both the wholesale and retail narcotics market in Philadelphia, Pennsylvania.

3. Defendants BENJAMIN CASTRO and JESUS REYES CARDENAS-HERRERA and others prepared, possessed for distribution and distributed heroin and cocaine to be sold in Philadelphia, Pennsylvania.

### **OVERT ACTS**

In furtherance of the conspiracy, and to accomplish its objects, defendants committed the following overt acts, among others, in Philadelphia, in the Eastern District of Pennsylvania and elsewhere:

1. On or about February 9, 2007, defendant BENJAMIN CASTRO gave to a person known to the grand jury a sample of heroin, weighing approximately .68 grams, from the residence at 933 Marcella Street in Philadelphia, in order to conduct larger heroin transactions with this person in the future.

2. On or about February 16, 2007, defendant BENJAMIN CASTRO sold to a person known to the grand jury approximately 20 grams of heroin in exchange for \$1,200, from the residence located at 933 Marcella Street.

3. On or about March 1, 2007, defendant BENJAMIN CASTRO sold to a person known to the grand jury approximately 120 grams of heroin in exchange for \$7,200, from the residence located at 933 Marcella Street.

4. On or about March 1, 2007, defendant BENJAMIN CASTRO agreed to obtain one kilogram of heroin in order to sell it to a person known to the grand jury.

5. On or about March 7, 2007, defendant BENJAMIN CASTRO contacted a person known to the grand jury by telephone in order to make arrangements for this person to purchase one kilogram of heroin that defendant CASTRO had obtained.

6. On or about March 10, 2007, defendants BENJAMIN CASTRO and JESUS REYES CARDENAS-HERRERA and others, attempted to sell one kilogram of heroin to a person known to the grand jury.

7. On or about March 10, 2007, defendants BENJAMIN CASTRO and JESUS REYES CARDENAS-HERRERA used the residence, located at 933 Marcella Street, for the distribution of cocaine and heroin in Philadelphia, Pennsylvania. As such, defendants BENJAMIN CASTRO and JESUS REYES CARDENAS-HERRERA and others, stored and maintained the following items at 933 Marcella Street in furtherance of their drug trafficking, including but not limited to:

- a. approximately 2.8 kilograms of cocaine and approximately 5 kilograms of heroin;

- b. various packaging materials;
- c. cutting agents;
- d. strainers;
- e. scales;
- f. grinders;
- g. baggies;
- h. a heroin pellet press;
- i. a loaded .45 caliber Colt handgun with an obliterated serial number;
- j. a Foodsaver heat sealer; and
- k. a metal press frame and hydraulic pump jack.

All in violation of Title 21, United States Code, Section 846.

**COUNT TWO**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about February 16, 2007, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendant

**BENJAMIN CASTRO,  
a/k/a “Daniel Rivera,”  
a/k/a “Raul,”  
a/k/a “Julio Cesar Rivera,”  
a/k/a “Acevedo,”**

knowingly and intentionally distributed a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(C).

**COUNT THREE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about March 1, 2007, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendant

**BENJAMIN CASTRO,  
a/k/a “Daniel Rivera,”  
a/k/a “Raul,”  
a/k/a “Julio Cesar Rivera,”  
a/k/a “Acevedo,”**

knowingly and intentionally distributed 100 grams or more, that is, approximately 120 grams, of a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(B).

**COUNT FOUR**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about March 10, 2007, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendants

**BENJAMIN CASTRO,  
a/k/a “Daniel Rivera,”  
a/k/a “Raul,”  
a/k/a “Julio Cesar Rivera,”  
a/k/a “Acevedo,” and  
JESUS REYES CARDENAS-HERRERA,**

knowingly and intentionally possessed with intent to distribute, and aided and abetted the possession with intent to distribute of, one kilogram or more, that is, approximately five kilograms of a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1), (b)(1)(A), and Title 18, United States Code, Section 2.

**COUNT FIVE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about March 10, 2007, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendants

**BENJAMIN CASTRO,  
a/k/a “Daniel Rivera,”  
a/k/a “Raul,”  
a/k/a “Julio Cesar Rivera,”  
a/k/a “Acevedo,” and  
JESUS REYES CARDENAS-HERRERA,**

knowingly and intentionally possessed with intent to distribute, and aided and abetted the possession with intent to distribute of, 500 grams or more, that is, approximately 2.8 kilograms of a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1), (b)(1)(B), and Title 18, United States Code, Section 2.



**COUNT SIX**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about March 10, 2007, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendants

**BENJAMIN CASTRO,  
a/k/a “Daniel Rivera,”  
a/k/a “Raul,”  
a/k/a “Julio Cesar Rivera,”  
a/k/a “Acevedo,” and  
JESUS REYES CARDENAS-HERRERA,**

knowingly possessed, and aided and abetted the possession of, a firearm, that is a loaded .45 caliber Colt handgun with an obliterated serial number, in furtherance of a drug trafficking crime for which they may be prosecuted in a Court of the United States, that is, conspiracy to possess with intent to distribute a controlled substance and possession with intent to distribute a controlled substance, in violation of Title 21, United States Code, Sections 846 and 841(a)(1).

In violation of Title 18, United States Code, Sections 924(c)(1)(A)(i) and 2.

**COUNT SEVEN**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about March 10, 2007, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**JESUS REYES CARDENAS-HERRERA,**

then being an alien illegally and unlawfully in the United States, did knowingly possess a firearm in and affecting interstate and foreign commerce, that is; a loaded .45 caliber Colt handgun with an obliterated serial number.

All in violation of Title 18, United States Code, Section 922(g)(5)(A).

## **NOTICE OF FORFEITURE**

### **THE GRAND JURY FURTHER CHARGES THAT:**

1. As a result of the violations of Title 21, United States Code, Section 846 and 841(a)(1), set forth in this indictment, defendants

**BENJAMIN CASTRO,  
a/k/a “Daniel Rivera,”  
a/k/a “Raul,”  
a/k/a “Julio Cesar Rivera,”  
a/k/a “Acevedo,” and  
JESUS REYES CARDENAS-HERRERA**

shall forfeit to the United States of America:

(a) any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offenses, including, but not limited to:

the loaded .45 caliber Colt firearm with an obliterated serial number; and

(b) any property constituting, or derived from, proceeds obtained directly or indirectly from the commission of such offenses.

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendants:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to

seek forfeiture of any other property of the defendants up to the value of the property subject to forfeiture.

All pursuant to Title 21, United States Code, Section 853.

**A TRUE BILL:**

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**GRAND JURY FOREPERSON**

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**PATRICK L. MEEHAN  
UNITED STATES ATTORNEY**